

OD-1

ORDER SHEET

EP No. 1 of 2021
IA No.GA/2/2021,
GA /3/2021
IN THE HIGH COURT AT CALCUTTA
ELECTION PETITION JURISDICTION
ORIGINAL SIDE

MAMATA BANERJEE
Versus
SUVENDU ADHIKARI

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 15th November, 2021.

[Via Video Conference]

Appearance:
Mr. S.N. Mookerjee, Sr. Adv.,
Learned Advocate General
Mr. Dhruva Ghosh, Sr. Adv.
Mr. Sanjay Basu, Adv.
Mr. Amit Kumar Nag, Adv.
Mr. Rajarshi Datta, Adv.
Mr. Piyush Agrawal, Adv.
Ms. Utsha Dasgupta, Adv.
For the petitioner.

Mr. Jaydip Kar, Sr. Adv.
Mr. Aniruddha Chatterjee, Adv.
Mr. Billwadal Bhattacharyya, Adv.
Mr. Kallol Mondal, Adv.
Mr. Sourav Sengupta, Adv.
Mr. Anish Kumar Mukherjee, Adv.
Mr. Saket Sharma, Adv.
For the respondent/applicant.

Affidavit of compliance filed by the petitioner is taken on record.

The petitioner has complied with the earlier order of this Court
with regard to the payment of fine.

Re: IA No.GA 3 of 2021:

The Court :- This is an application for extension of time to file the written statement. Summons were received by the respondent on July 20, 2021. On the prayer of the learned Senior Advocate representing the respondent, time to file the written statement was granted upto November 15, 2021. Today, such prayer has been made and written statement has not been filed. The ground as stated for not filing the written statement on November 15, 2021 i.e. on the 117th day from the receipt of the summons is that the written statement has not yet been finalized, but the draft has been prepared.

Mr. S. N. Mookerjee, learned Advocate General appears on behalf of the petitioner and opposes the prayer for extension.

Reliance has been placed on the decision of the Hon'ble Apex Court in the matter of **(2015) 16 Supreme Court Cases 149** (Pukhrem Saratchandra Singh Vs. Mairembam Prithviraj). According to Mr. Mookerjee, the respondent is intentionally avoiding filing of the written statement only to linger and delay the proceedings. Although, the provisions of The Representation of the People Act, 1951 mandates that such proceedings must be completed within a period of six months, especially to restore the faith of the voters in the process of election, the respondent has failed to abide by the direction of this Court. Mr. Mookerjee further submits that the Apex Court is yet to decide whether the trial of the election petition must be transferred to any other High

Court in India and the same does not have any connection with the filing of the written statement.

Having considered the rival contentions of the parties, it appears from the application itself that the draft written statement has been prepared. This Court is of the view that the written statement must be filed within two weeks i.e. November 29, 2021 peremptorily.

Let the matter appear in the list on December 1, 2021.

IA No. GA 3 of 2021 is disposed of.

RE: IA No. GA 2 of 2021:

This is an application for adjournment of the proceedings till disposal of the transfer application by the Hon'ble Apex Court .

Let this application be considered on December 1, 2021 along with the main application.

(SHAMPA SARKAR, J)